

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

JERMAINE RANDLE,	:	
Petitioner,	:	CRIMINAL ACTION
	:	NO. 07-667
	:	
v.	:	
	:	
UNITED STATES,	:	CIVIL ACTION
Respondent.	:	NO. 11-5012

ORDER

AND NOW, this 8th day of July, 2013, it is **ORDERED** that the Petition for Writ of Habeas Corpus is **CONDITIONALLY GRANTED** on the ground that Petitioner's counsel was ineffective when she failed to object to, move to withdraw or appeal his illegal sentence under Federal Rule of Criminal Procedure 11(c)(1)(C). Accordingly, Petitioner's sentence and guilty plea are **VACATED**. Trial will be scheduled within seventy days from the date of this order.¹

s/Anita B. Brody

ANITA B. BRODY, J.

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¹ Under the Speedy Trial Act, “[i]n any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment” 18 U.S.C. § 3161(c)(1). “If trial did not commence within the time limitation specified in section 3161 because the defendant had entered a plea of guilty or nolo contendere subsequently withdrawn to any or all charges in an indictment or information, the defendant shall be deemed indicted with respect to all charges therein contained within the meaning of section 3161, on the day the order permitting withdrawal of the plea becomes final.” 18 U.S.C. § 3161(i).